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## UNITED STATES PATENT AND TRADEMARK OFFICE

Board of Patent Appeals and Interferences

NIXON & VANDERHYE, PC  
901 NORTH GLEBE ROAD, 11TH FLOOR  
ARLINGTON, VA 22203

Appeal No: 2009-002116  
Appellant: Andrew Mark Nightingale  
Application No: 10/764,495  
Hearing Room: A  
Hearing Docket: B  
Hearing Date: Tuesday, October 18, 2011  
Hearing Time: 01:00 PM  
Location: Madison Building - East Wing  
600 Dulany Street, 9th Floor  
Alexandria, Virginia 22313-1450

NOTICE OF HEARING  
CONFIRMATION REQUIRED WITHIN TWENTY-ONE DAYS

Your attention is directed to 37 CFR § 41.47. The above identified appeal will be heard by the Board of Patent Appeals and Interferences on the date indicated. Hearings will commence at the time set and as soon as the argument in one appeal is concluded, the succeeding appeal will be taken up. The time allowed for argument is twenty minutes unless additional time is requested and permitted before the argument is commenced. If there are any inquiries, please contact the Clerk of the Board at 571-272-9797.

The application involved in this appeal has been published. Accordingly, the hearing in this appeal is open to the public.

CONFIRMATION OR WAIVER OF THE HEARING IS REQUIRED. This form must be completed below and facsimile transmitted to both: (1) the USPTO Central fax number (official copy), and (2) the Board of Patent Appeals and Interferences fax number (courtesy copy) within TWENTY-ONE (21) DAYS from the mailing date of this notice indicating confirmation or waiver of the hearing. A copy of this notice may be alternately filed by mail if facsimile is not available.

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In all communications relating to this appeal, please identify the appeal by its number.

CHECK ONE: (X) HEARING ATTENDANCE CONFIRMED ( ) HEARING ATTENDANCE WAIVED

/John R. Lastova/  
Signature of Attorney/Agent/Appellant

10/3/2011  
Date

33,149  
Registration No.

Names of other visitors expected to accompany counsel: \_\_\_\_\_

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